

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL RAILROAD PASSENGER
CORPORATION,

Plaintiff,

vs.

ARCH SPECIALTY INSURANCE COMPANY;
ET AL.,

Defendants.

Civ. Action No.:14-cv-7510 (JSR)

**DECLARATION OF
PHILIP ORTON**

I, PHILIP ORTON, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a Research Assistant Professor at the Stevens Institute of Technology and I specialize in coastal physical oceanography and storm surges. I submit this declaration in connection with National Railroad Passenger Corporation's ("Amtrak") Opposition to: (1) Defendants' Motion for Partial Summary Judgment Regarding Replacement of Benchwalls and Track Bed and (2) Defendants' Motion for Summary Judgment Regarding Application of Flood and Occurrence Provisions.


2. Having received information and issued a report regarding the scientific phenomenon of storm surge, how it was caused by Sandy, and how it relates to the infilling of Amtrak tunnels with seawater as a Rule 26 Expert, I have personal knowledge of the following facts. If called upon to testify at trial, I would testify consistently with the following:

3. Flood occurs when the volume of water in a given watercourse is too great to be contained within that body of water, such as when heavy rainfall or snow melt causes a river, stream or lake to rise and overflow onto normally dry land.

4. Storm surge occurs when the wind blows on the ocean and holds a high sea level against the coast.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 30, 2015
New York, New York

A handwritten signature in cursive script, reading "Philip M. Orton", written in dark ink.

PHILIP ORTON